



Sen. A. J. Wilhelmi

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09700SB0544sam002

LRB097 04368 KMW 56034 a

1 AMENDMENT TO SENATE BILL 544

2 AMENDMENT NO. _____. Amend Senate Bill 544 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 5-1101 as follows:

6 (55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

7 Sec. 5-1101. Additional fees and fines to finance court
8 system. A county board may enact by ordinance or resolution the
9 following fees:

10 (a) A \$5 fee to be paid by the defendant on a judgment of
11 guilty or a grant of supervision for violation of the Illinois
12 Vehicle Code other than Section 11-501 or violations of similar
13 provisions contained in county or municipal ordinances
14 committed in the county, and up to a \$30 fee to be paid by the
15 defendant on a judgment of guilty or a grant of supervision for
16 violation of Section 11-501 of the Illinois Vehicle Code or a

1 violation of a similar provision contained in county or
2 municipal ordinances committed in the county.

3 (b) In the case of a county having a population of
4 1,000,000 or less, a \$5 fee to be collected in all civil cases
5 by the clerk of the circuit court.

6 (c) A fee to be paid by the defendant on a judgment of
7 guilty or a grant of supervision, as follows:

8 (1) for a felony, \$50;

9 (2) for a class A misdemeanor, \$25;

10 (3) for a class B or class C misdemeanor, \$15;

11 (4) for a petty offense, \$10;

12 (5) for a business offense, \$10.

13 (d) A \$100 fee for the second and subsequent violations of
14 Section 11-501 of the Illinois Vehicle Code or violations of
15 similar provisions contained in county or municipal ordinances
16 committed in the county. The proceeds of this fee shall be
17 placed in the county general fund and used to finance education
18 programs related to driving under the influence of alcohol or
19 drugs.

20 (d-5) A \$10 fee to be paid by the defendant on a judgment
21 of guilty or a grant of supervision under Section 5-9-1 of the
22 Unified Code of Corrections to be placed in the county general
23 fund and used to finance the county mental health court, the
24 county drug court, the Veterans and Servicemembers Court, or
25 any or all of the above.

26 (e) In each county in which a teen court, peer court, peer

1 jury, youth court, or other youth diversion program has been
2 created, a county may adopt a mandatory fee of up to \$5 to be
3 assessed as provided in this subsection. Assessments collected
4 by the clerk of the circuit court pursuant to this subsection
5 must be deposited into an account specifically for the
6 operation and administration of a teen court, peer court, peer
7 jury, youth court, or other youth diversion program. The clerk
8 of the circuit court shall collect the fees established in this
9 subsection and must remit the fees to the teen court, peer
10 court, peer jury, youth court, or other youth diversion program
11 monthly, less 5%, which is to be retained as fee income to the
12 office of the clerk of the circuit court. The fees are to be
13 paid as follows:

14 (1) a fee of up to \$5 paid by the defendant on a
15 judgment of guilty or grant of supervision for violation of
16 the Illinois Vehicle Code or violations of similar
17 provisions contained in county or municipal ordinances
18 committed in the county;

19 (2) a fee of up to \$5 paid by the defendant on a
20 judgment of guilty or grant of supervision under Section
21 5-9-1 of the Unified Code of Corrections for a felony; for
22 a Class A, Class B, or Class C misdemeanor; for a petty
23 offense; and for a business offense.

24 (f) In each county in which a drug court has been created,
25 the county may adopt a mandatory fee of up to \$5 to be assessed
26 as provided in this subsection. Assessments collected by the

1 clerk of the circuit court pursuant to this subsection must be
2 deposited into an account specifically for the operation and
3 administration of the drug court. The clerk of the circuit
4 court shall collect the fees established in this subsection and
5 must remit the fees to the drug court, less 5%, which is to be
6 retained as fee income to the office of the clerk of the
7 circuit court. The fees are to be paid as follows:

8 (1) a fee of up to \$5 paid by the defendant on a
9 judgment of guilty or grant of supervision for a violation
10 of the Illinois Vehicle Code or a violation of a similar
11 provision contained in a county or municipal ordinance
12 committed in the county; or

13 (2) a fee of up to \$5 paid by the defendant on a
14 judgment of guilty or a grant of supervision under Section
15 5-9-1 of the Unified Code of Corrections for a felony; for
16 a Class A, Class B, or Class C misdemeanor; for a petty
17 offense; and for a business offense.

18 The clerk of the circuit court shall deposit the 5%
19 retained under this subsection into the Circuit Court Clerk
20 Operation and Administrative Fund to be used to defray the
21 costs of collection and disbursement of the drug court fee.

22 (f-5) In each county in which a Children's Advocacy Center
23 provides services, the county board may adopt a mandatory fee
24 of between \$5 and \$30 to be paid by the defendant on a judgment
25 of guilty or a grant of supervision under Section 5-9-1 of the
26 Unified Code of Corrections for a felony; for a Class A, Class

1 B, or Class C misdemeanor; for a petty offense; and for a
2 business offense. Assessments shall be collected by the clerk
3 of the circuit court and must be deposited into an account
4 specifically for the operation and administration of the
5 Children's Advocacy Center. The clerk of the circuit court
6 shall collect the fees as provided in this subsection, and must
7 remit the fees to the Children's Advocacy Center.

8 (f-10) In each county in which the Court Appointed Special
9 Advocates provide services, the county board may, in addition
10 to any fine imposed under Section 5-9-1 of the Unified Code of
11 Corrections, adopt a mandatory fine of between \$10 and \$30 to
12 be paid by the defendant on a judgment of guilty or a grant of
13 supervision for any violation of Articles 9, 10, 11, 12, or
14 Section 33D-1 of the Criminal Code of 1961, or Section 2 of the
15 Neglected Children Offense Act. Assessments shall be collected
16 by the clerk of the circuit court and must be deposited into an
17 account specifically for the operations of the Court Appointed
18 Special Advocates. The clerk of the circuit court shall collect
19 the fines as provided in this subsection and must remit the
20 fines to the Court Appointed Special Advocates Fund that the
21 county board shall create for the receipt of funds collected
22 under this subsection, and from which the county board shall
23 make grants to support the activities and services of the Court
24 Appointed Special Advocates within that county. The term "Court
25 Appointed Special Advocates" is copyrighted and is used with
26 permission of the holder of the copyright.

1 (g) The proceeds of all fees and fines enacted under this
2 Section must, except as provided in subsections (d), (d-5),
3 (e), ~~and~~ (f), and (f-10) be placed in the county general fund
4 and used to finance the court system in the county, unless the
5 fee is subject to disbursement by the circuit clerk as provided
6 under Section 27.5 of the Clerks of Courts Act.

7 (Source: P.A. 95-103, eff. 1-1-08; 95-331, eff. 8-21-07;
8 96-328, eff. 8-11-09; 96-924, eff. 6-14-10.)".

9 Section 99. Effective date. This Act takes effect July 1,
10 2011.".